

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ENRIQUE RAMIREZ, *individually and on
behalf of others similarly situated,*

Plaintiff,

-against-

N&M FOOD WHOLESALE SUPPLY INC.,
ELSAYED A. HALIM, AHMED OMAR,
ASHRAF MOUSA, and NASHAR DOE,

Defendants.

1:20-cv-09557-LTS-JLC

**JOINT PROPOSED
SCHEDULING ORDER**

Parties' Proposed Discovery Plan:

- a. Rule 16 conference scheduled for June 8, 2021 at 10:30 a.m.

Michael Faillace, Esq. will be representing Plaintiff Enrique Ramirez; Michael Faillace & Associates P.C., 60 East 42nd Street, Suite 4510, New York, NY 10165, Tel (212) 317-1200.

Michael K. Chong will be representing Defendants: N&M Food Wholesale Supply Inc., Elsayed A. Halim, Ahmed Omar, Ashraf Mousa, and Nashar Doe; Law Offices of Michael K. Chong, LLC, 2 Executive Drive, Suite 240, Fort Lee, NJ 07024, Tel (201) 947-5200.

- b. This matter is regarding an FLSA claim for the violation of the minimum wage provisions of the FLSA and NYLL, overtime provisions of the FLSA and NYLL, spread of hours wage order of the NYLL, notice and record keeping requirements of the NYLL, and wage statement provisions of the NYLL.

Proposed Schedule:

- a. Do the parties anticipate a collective action: No
- c. Deadline by which the parties may move to amend the pleadings or join any other parties; 30 days after the Initial Conference.

- d. Dates for document requests and initial interrogatories: 14 days after the Initial Conference.
- e. Names of non-expert witnesses expected at this time to be deposed and either specific dates or a timetable for when depositions will take place:
 - 1. Plaintiff
 - 2. Defendants
 - 3. To be scheduled 14 days after the completion of written discovery
- f. Date by which all non-expert discovery shall be completed: December 8, 2021
- g. Dates by which the disclosures of the identities and reports of experts required by Rule 26(a)(2) will be made: The parties do not anticipate retaining experts, but reserve their right amend this response.
- h. Date by which depositions of experts shall be completed: N/A
- i. Date by which pretrial motions, if any, will be filed: 30 days after completion of discovery.
 - a. If no such motions are contemplated, the date by which plaintiffs will supply pretrial order materials to defendants: 60 days after completion of discovery
- j. Date by which the parties will submit a joint pretrial order in accordance with procedures of the undersigned: 45 days after submission of pretrial order materials to the court.
- k. A statement of any limitations to be placed on discovery, including, if applicable, limitations on expert discovery, limitations on the discovery of electronically stored information (“ESI”), and any protective or confidentiality orders (including any order pursuant to Rule 502 of the Federal Rules of Evidence);
 - a. The parties will jointly submit a standard Protective Order to the court for review and consideration.
 - b. A statement of those discovery issues, if any, as to which the parties, after a good faith effort, have been unable to reach an agreement: None at this time.
- l. anticipated fields of expert testimony, if any: N/A
- m. Anticipated length of trial and whether, and by whom, a jury has been requested: 7 days – by counsel of record. A jury trial has been requested.

n. An approximate date or stage of the case when the parties believe it would be most helpful to engage in settlement discussions:

The Parties participated in Court Mediation, which was not successful. The parties wish to complete written discovery, and then request 2nd referral to Court mediation or a Settlement Conference with Magistrate Judge.

o. Whether the parties would like to discuss settlement at such time under the supervision of a private mediator, a mediator from the SDNY Mediation Program, another magistrate judge, or the undersigned: See response to (n)

Michael Faillace & Associates P.C.
Plaintiff's Counsel:

Law Offices of Michael Chong, LLC
Defendants' Counsel:

s/ Michael Faillace

Michael Faillace, Esq.
Michael Faillace & Associates, PC
60 East 42nd Street, Suite 4510
New York, New York 10165
Ph#: (212) 317-1200
Fx#: (212) 317-1620

Michael K. Chong

Michael K. Chong, Esq.
2 Executive Drive, Suite 240
Fort Lee, NJ 07024
Ph#: (201) 947-5200
Fx#: (201) 708-6676

Dated:

SO ORDERED.

HON. JAMES L. COTT
United States Magistrate Judge